

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICHOLAS EUGENE STILES,)	
Plaintiff,)	
)	No. 1:13-cv-233
-v-)	
)	HONORABLE PAUL L. MALONEY
AMF LINCOLN LANES,)	
Defendant.)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Nicholas Stiles, proceeding *in forma pauperis* and pro se, filed a complaint against Defendant AMF Lincoln Lanes alleging violations of the Fair Credit Reporting Act and the Michigan Consumer Protection Act. Specifically, Plaintiff alleges that, when creating the receipt for credit card transactions, Defendant has included more than the last five digits of the card number. As required by 28 U.S.C. § 1915(e)(2), the magistrate judge reviewed the complaint and issued a report recommending that the complaint be dismissed for failure to state a claim upon which relief may be granted. (ECF No. 5.) The magistrate judge concluded that the statutes on which Plaintiff's claims are based require wilful conduct on Defendant's part and that the complaint failed to plead sufficient facts to establish that Defendant acted wilfully. Plaintiff filed objections (ECF No. 6), which this Court has reviewed *de novo*, see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam). Plaintiff argues, Defendant's conduct is wilful as is evidenced by two additional credit card receipts dated March 9, 2013, and March 10, 2013.

Defendant has not demonstrated that his complaint pleads sufficient facts to establish a right to relief. For the purpose of the review under § 1915(e)(2), the magistrate and this Court look at the complaint and any attached exhibits. As succinctly and correctly explained in the report and

recommendation, the fact that Defendant has issued receipts with more than the last five digits of the credit card does not establish that Defendant has done so wilfully. Therefore, the report and recommendation is **ADOPTED**, over objections, as the opinion of this Court. The complaint is **DISMISSED** for failure to state a claim on which relief may be granted. **IT IS SO ORDERED.**

Date: March 18, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge